



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,484	12/10/2004	Ronny Herbertsson	000014-001	6820
44912	7590	03/31/2008		
WRB-IP LLP 1217 KING STREET ALEXANDRIA, VA 22314			EXAMINER WINDELL, MARK R	
			ART UNIT 3635	PAPER NUMBER
			NOTIFICATION DATE 03/31/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HARRY@WRB-IP.COM
rosemary@wrb-ip.com

Office Action Summary**Application No.**

10/517,484

Applicant(s)

HERBERTSSON, RONNY

Examiner

MARK R. WENDELL

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant is claiming the actuator disposed in different areas relative to the locking means and it is unclear, especially after looking at the drawings, what the applicant intends to claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-15, 19, 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cacicedo (US 5372354). Regarding claims 13, 23-26, Cacicedo teaches and illustrates a system and method for screening off an area (10), comprising a partition element (60) substantially covering a space between two upstanding carrier elements (12, 14) in an unstable preparatory position in which in preparatory position the partition element (60) is unable to remain unaided (NOTE: looking at Figure 1, once items 55, 57, 59 and 61 are inserted into the elements 12 and 14, the partition is not in stable upright position)

and from which preparatory position the partition element (60) is movable to a fixedly locked position (see Figure 7, once items 51 and 51a are inserted) relative to the carrier elements (12 and 14). The reference also teaches the partition including a locking means (55, 57, 59, 61, 51, 51a and 53) comprising guide sections for interlocking engagement with a recess (16, 18, 20, 22) in a respective carrier element (12 and 14). The locking means have a snap catch (snap action is initiated by springs 71 and 73 in Figure 7) for retaining the guide section relative to the carrier elements and after pins 53 and 53a are inserted the partition element (60) is in fixed relationship with the carrier elements (12 and 14). The snap catch is depressible during insertion (via springs 71 and 73) of the guide elements (51, 51a, 55, 59) into the recess (16, 18, 20, 22) and the snap catch is retractable in the locking means by a specially adapted tool (via ones hand after removal of the caps and pins (53)). The snap catch on the bottom half of the system is also retractable (via spring 73) by an excenter (55 and 59) with a vane (57 and 61) on rotating the excenter (see column 4, lines 11-14 and column 5, lines 8-10).

Regarding claims 14 and 15, Cacicedo illustrates in Figure 1 the partition (60) including two pins (57 and 61) which are catchable in a groove (20, 22) in the respective carrier elements (12 and 14).

Regarding claim 19, Cacicedo illustrates in Figure 7 the snap catch including a spring element (71 and 73) which is actuatable by an actuator device (one's hand after removing pins, 53) for releasing the locking means.

Art Unit: 3635

Regarding claims 21 and 22, the actuator (workers hand) is disposed substantially outside the locking means and substantially within the carrier elements when removing pin 53 and depressing the locking means (51 and 51a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cacicedo (US 5372354). It is described above what is disclosed by Cacicedo, however the reference does not distinctly teach the actuator device disposed inside the locking means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the actuator in the locking means, since it has been held that rearranging parts of an invention involves only routine skill in the art (In re Japikse, 86 USPQ 70).

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cacicedo (US 5372354) in view of Dashio (US 3346238). It is described above what is disclosed by Cacicedo, however the reference does not distinctly teach the insertion groove inclined obliquely downward. Dashio illustrates in Figures 8 and 12 the groove within a

carrier member angled downward. It would have been obvious to one having ordinary skill in the art at the time of invention to modify the insertion groove of Cacicedo with the design of Dashio in order to allow for ease of setup and for a stronger attachment point which is less susceptible to jockeying loose.

Regarding claims 17 and 18, Cacicedo illustrates the groove being undercut and the associated pin (57 and 59) displaying complementary configuration. Cacicedo also illustrates the depth of groove to be greater than the diameter of the pins.

Response to Arguments

Applicant's arguments with respect to claims 13-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3635

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK R. WENDELL whose telephone number is (571)270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot/
Supervisory Patent Examiner, Art Unit
3635

/M. R. W./
Examiner, Art Unit 3635
March 21, 2008